

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
81-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure; and further amended on the Floor.	V. Anthony Ada	AN ACT TO <i>AMEND</i> §12401(d)C-53, ARTICLE 4, CHAPTER 12, TITLE 5, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO CORRECTING THE DEFINITIONS OF SOLAR HVAC CONTRACTORS SUB-CLASSIFICATIONS OF LICENSES.	3/5/25 3:46 p.m.	3/14/25 3:52 p.m.	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 3/14/25 Waiver: 3/20/25	5/7/25 2:00 p.m.	6/19/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	7/28/25	AN ACT TO <i>AMEND</i> § 12401(d)C-53, ARTICLE 4, CHAPTER 12, TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CORRECTING THE DEFINITIONS OF SOLAR HVAC CONTRACTORS SUB-CLASSIFICATIONS OF LICENSES.	7/31/25	8/6/25	8/18/25	38-46	8/18/25	Received: 8/18/25 Mess and Comm. Doc. No. 38GL-25-1073	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-25-1073
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

Transmitted via Email to: speakerblas@guamlegislature.org

August 19, 2025

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

AUG 19 2025
Time: 9:50 AM
Received: [Signature]

Re: Bill No. 81-38 (COR), "AN ACT TO AMEND § 1240I(d)C- 53, ARTICLE 4, CHAPTER 12, TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CORRECTING THE DEFINITIONS OF SOLAR HVAC CONTRACTORS SUB-CLASSIFICATIONS OF LICENSES."

Håfa Adai Mr. Speaker,

For the reasons provided below, Bill No.81-38 (COR) will lapse into law without my signature. My administration supports this legislation's general intent of removing the electrical system knowledge requirement for photovoltaic electrical systems from the Solar HVAC contractor licensing requirements. However, as this administration has noted many times before, enacting regulations through the legislative process violates the separation of powers doctrine, which prohibits legislation that amends executive rules and regulations, just as it prohibits an agency from amending legislative enactments. The amendment to the regulations concerning licensing requirements for a solar HVAC contractor's license should have been accomplished through the formal rulemaking process found in the Administrative Adjudication Law by the Contractor's Licensing Board. Under the separation of powers doctrine, each branch of government must operate in distinct, clearly defined spheres. The Organic Act of Guam charges the Executive Branch with powers to issue "regulations" not in conflict with any applicable law, including Guam's rulemaking laws.

Conversely, the Legislature is charged with drafting and passing "bills." Rulemaking and law-making are separate and distinct roles as provided by the Organic Act of Guam. Bill No. 81-38's proposed amendments to Guam's Administrative Rules and Regulations infringe on well-established principles. While it is within the Legislature's authority to pass a bill containing the provisions in Bill No. 81-38's, once the Legislature delegates rulemaking authority to an agency, as it has with the Contractor's Licensing Board, it must honor such delegation and not interfere with agency rulemaking unless the agency's rulemaking power is otherwise rescinded.

RICARDO J. BORDALLO GOVERNOR'S COMPLEX
513 W. Marine Corps Drive Hagåtña, Guam 96910
governor.guam.gov | (671) 472-8931

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Joshua F. Tenorio, *Acting Governor of Guam*
Date: August 19, 2025
Re: Bill No. 81-38 (COR)

Page 2 of 2

For the reasons noted above, Bill No. 81-38 (COR) will lapse into law as ***Public Law No. 38-46***, without my signature.

Senseramente,



JOSHUA F. TENORIO

I Åkto Maga'låhen Guåhan

Acting Governor of Guam

Enclosure(s): Bill No. 81-38 (COR) nka P.L. 38-46 (LAPSED)

cc via email: *Honorable* Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*, Governor of Guam
Compiler of Laws



38GL-25-1073

Messages and Communications

RECEIVED

COMMITTEE ON RULES

August 19, 2025

11:43 a.m.

Marie Crisostomo

RICARDO J. BORDALLO GOVERNOR'S COMPLEX
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I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

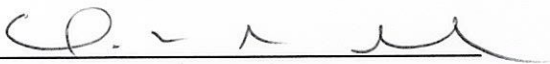
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 81-38 (COR)**, “AN ACT TO *AMEND* § 12401(d)C-53, ARTICLE 4, CHAPTER 12, TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CORRECTING THE DEFINITIONS OF SOLAR HVAC CONTRACTORS SUB-CLASSIFICATIONS OF LICENSES,” was on the 31st day of July 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



V. Anthony Ada
Acting Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 6th day of August, 2025, at 7:58 o'clock A.M.



Assistant Staff Officer
***Maga'håga's* Office**

APPROVED:

LAPSED INTO LAW

JOSHUA F. TENORIO
ACTING GOVERNOR OF GUAM

Date: August 19, 2025 *2025*

Public Law No. 38-46

2025-24246

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	Jomichael C. Quinata
Date:	8/6/25 Time: 7:58 AM

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 81-38 (COR)

As amended by the Committee on Land,
Environment, Housing, Agriculture, Parks and Infrastructure;
and further amended on the Floor.

Introduced by:

V. Anthony Ada
Shelly V. Calvo
Eulogio Shawn Gumataotao
Chris Barnett
Frank F. Blas, Jr.
Vincent A.V. Borja
Christopher M. Dueñas
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabina Flores Perez
Sabrina Salas Matanane
Joe S. San Agustin
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *AMEND* § 12401(d)C-53, ARTICLE 4,
CHAPTER 12, TITLE 25, GUAM ADMINISTRATIVE
RULES AND REGULATIONS, RELATIVE TO
CORRECTING THE DEFINITIONS OF SOLAR HVAC
CONTRACTORS SUB-CLASSIFICATIONS OF
LICENSES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that among qualifications for a Solar HVAC (heating, ventilation and air
conditioning) contractor are the same qualifications as those who install photovoltaic

1 electrical solar systems. These contractors, however, do not as part of the HVAC
2 license, install electrical systems. Appliances such, as solar waters heaters, use the
3 heat from the sun to heat water. There is a separate and distinct license for contractors
4 that install solar panels which collect electrical energy from photons produced by
5 sunlight and convert the energy from direct current (DC) to alternating current (AC)
6 through an inverter.

7 It is the intent of *I Liheslaturan Guåhan* to remove the electrical system
8 knowledge requirements for photovoltaic electrical systems from the Solar HVAC
9 contractor licensing requirements.

10 **Section 2.** § 12401(d)C-53 of Article 4, Chapter 12, Title 25, Guam
11 Administrative Rules and Regulations, as amended on July 11, 2024, is further
12 *amended* to read as follows:

13 “**C-53 Solar Contractor:** A specialty contractor whose contracting
14 business is the execution of contracts requiring the ability to place, install
15 and erect apparatuses for heating, water heating, air conditioning,
16 refrigeration or other devices powered by solar energy or conversion of
17 solar energy to electromotive forces used or to be used for specialties
18 listed in Public Law 14-51 as amended or these Rules & Regulations.
19 Prerequisites for the classification are: C-13 (Electrical), C-37
20 (Plumbing), C-40 (Refrigeration) & C-51 (Warm Air Heating, Ventilating
21 & Air conditioning). ”